

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

VICTOR WAYNE BELL,

Plaintiff,

v.

SHERIFF JAY JONES,

Defendant.

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Civil Action No. 3:05-cv-885-MHT-VPM

DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT

COME NOW Sheriff Jay Jones, Defendant in the above-styled cause and answers the Plaintiff’s Complaint as follows:

Answer

The Defendant in this action denies each and every allegation made by the Plaintiff, Victor Wayne Bell, and demands strict proof thereof. The Defendant denies that he acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff’s Complaint, separately and severally, fails to state a claim upon which relief may be granted.
2. The Defendant in this action, in his individual capacity, is entitled to qualified immunity from the Plaintiff’s claims.
3. The Defendant in this matter, in his official capacity, is entitled to absolute immunity from the Plaintiff’s claims pursuant to the Eleventh Amendment to the United States Constitution.
4. Defendants in their official capacities are not “persons” under 42 U.S.C. § 1983.

5. The Plaintiff's claims are barred by the Prison Litigation Reform Act.

6. Plaintiff fails to allege any affirmative causal link between the alleged acts of Defendants and any alleged constitutional deprivation or Defendants' direct participation in any alleged constitutional violation.

7. Defendants are not liable based upon *respondeat superior* theories of liability.

8. The Plaintiff cannot prove a violation of his rights under the Eighth or Fourteenth Amendments to the United States Constitution.

9. Plaintiff had no serious medical need.

10. Defendants were not deliberately indifferent in any respect.

Respectfully submitted this 28th day of November, 2005.

s/Kelly Gallops Davidson

KELLY GALLOPS DAVIDSON Bar No. DAV123

Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 28th day of November, 2005, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Victor Wayne Bell

AIS#176221

Lee County Detention Center

P.O. Box 2407

Opelika, AL 36803

s/Kelly Gallops Davidson

OF COUNSEL